

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-cv-00174-H

LILIANA MARTINEZ-HERNANDEZ)
and ULDA APONTE, both individually)
and on behalf of all other similarly situated)
persons,)

Plaintiffs,)

v.)

BUTTERBALL, LLC,)

Defendant.)

ORDER

This matter is before the Court upon the Amended and Supplemental Motion of Defendant Butterball, LLC to seal Exhibit H to Defendant's Memorandum in Support of Motion to Quash Deposition Notices to Non-Butterball Deponents and for Issuance of Protective Order ("*Amended Motion*") [DE # 441] on the grounds that:

- Exhibit H is a time study of Butterball's employees' donning and doffing activities at the Mount Olive, North Carolina facility, which contains confidential, proprietary and competitively sensitive information which is a trade secret as defined by *N.C. Gen Stat.* § 66-152;
- The release of the document may provide competitors with an unfair business advantage;
- The public does not already have access to Exhibit H;
- The release of this document would not provide any significant benefit to the public; and
- Thus, Butterball's interest in preserving its confidential and proprietary information outweighs the public's right to access the information.


IT APPEARING TO THE COURT that good cause has been shown for the granting of the *Amended Motion*; and

IT APPEARING TO THE COURT that the Defendants have demonstrated the necessity and propriety of sealing the document at issue and that alternatives to sealing would be insufficient; and

IT APPEARING TO THE COURT that the requirements of *Stone v. University of Maryland Medical System Corp.*, 855 F.2d 178 (4th Cir. 1988) have been satisfied,

IT IS NOW THEREFORE ORDERED that Defendant's *Amended Motion* to seal be GRANTED and that Exhibit H to Defendant's Memorandum in Support of Motion to Quash Deposition Notices to Non-Butterball Deponents and for Issuance of Protective will be filed under seal.

SO ORDERED, this the 20th day of January, 2011.

A handwritten signature in black ink, appearing to read 'David W. Daniel', is written over a horizontal line.

David W. Daniel
United States Magistrate Judge